

## **REMARKS**

### **I. Status of the Claims**

Claims 49-54 and 60-98 are pending. Without prejudice or disclaimer, claims 49 and 82 are amended to expressly recite that the at least one layer of a crosslinked elastomeric material does not contain any cord. Exemplary support for these amendments can be found in the specification as-published (U.S. Patent Application Publication No. 2006/0137797 A1) at ¶¶ [0100], and [0102] and Figures 1 and 2. Thus, no new matter is presented. Accordingly, claims 49-54 and 60-98 are now pending.

Applicants respectfully acknowledge that the Examiner has withdrawn the rejection of claims 49-54 and 58-98 under 35 U.S.C. § 103(a) as being allegedly obvious over JP 01109107 in view of U.S. Patent No. 6,598,645 to Larson (“Larson”).

### **II. Rejections Under 35 U.S.C. § 103(a)**

The Examiner rejects claims 49-54 and 58-98 under 35 U.S.C. § 103(a) as being allegedly obvious over U.S. Patent No. 5,339,878 to Takase (“Takase”) in view of Larson. See Aug. 14, 2008, Office Action at 2-5.

According to the Examiner, Takase is directed to a motorcycle tire but “fails to include an elastomeric material that is ‘associated’ with said belt structure and comprises at least one layered inorganic material comprising an individual layer thickness from 0.01 to 30 nanometers.” *Id.* at 2. The Examiner, however, concludes that “it is well known to include inorganic materials to improve the reinforcement of a given elastomeric composition, as shown for example by Larson.” *Id.* Noting that Larson “suggests the inclusion of intercalated organoclays (in rubber/cord laminates, such as belt plies),” the Examiner concludes that it would have been obvious “to include

such an inorganic reinforcement in the belt construction of Takase (such a construction includes a belt structure associated with the claimed inorganic material).” *Id.* at 3.

The Examiner points to Figure 2 of Takase, noting that it “clearly depicts a pair of crossed belt layers 20a, 20b and a radially outermost, circumferential belt layer 20c (inorganic materials can be included in any belt layer, including zero degree layer).” *Id.* at 3. The Examiner argues that the claim limitation, “associated with at least one layer of a crosslinked elastomeric material,” “is satisfied if the topping/coating rubber of the adjacent belt working ply 20b is formed with the relevant composition. Thus, the relevant composition is positioned between the carcass structure and the zero degree or circumferential belt layer.” *Id.*

In their previous response, Applicants noted that Larson discloses a belt ply, which is “comprised of a laminate of a rubber composition and a plurality of spaced apart cords disposed in a substantially parallel relationship to each other, **wherein said rubber composition encapsulates said cords.**” Larson, col. 3, lines 46-50 (emphasis added). In contrast, while the claimed layer of crosslinked elastomeric material is adjacent to (and, thus, associated with) a layer of plurality of circumferential coils, it does **not** contain any cord. In other words, the claimed **layer** of crosslinked elastomeric material is separate and distinct from the **layer** of a plurality of circumferential coils, axially arranged side by side, of at least one cord wound at substantially null angle with respect to the equatorial plane of the tyre.

The Examiner, however, “emphasize[s] that the claims as currently drafted do not define the layer of crosslinked elastomeric material as being devoid of cord reinforcement – the claim simply requires that the at least one layer of a plurality of

circumferential coils is associated with at least one layer of a crosslinked elastomeric material. Thus, the claim is satisfied if, for example, belt working ply 20b is formed with a topping/coating rubber in accordance with the claimed invention.” Aug. 14, 2008, Office Action at 5 (emphasis in original). Continuing, the Examiner “emphasize[s] that the language ‘is associated with’ does not define over the belt structure of Takase in view of Larson.” *Id.*

Although Applicants disagree with the Examiner, in order to expedite prosecution, Applicants have amended claims 49 and 82, as suggested by the Examiner, to expressly recite that the claimed layer of crosslinked material does **not** contain **any** cord. Neither Takase nor Larson teaches or suggests this limitation. Indeed, if one of skill in the art was motivated to combine the elastomeric composition containing an inorganic material of Larson in the belt construction of Takase, which Applicants do not concede, then the crossed belt layer 20b of Takase would have been modified to comprise an elastomeric material comprising inorganic layered material **and** zero-degree cord, which is different than the claimed invention wherein the claimed layer of crosslinked elastomeric material does **not** contain **any** cord. Because neither Takase nor Larson teaches or suggests each and every element of the claimed invention, as-amended, Applicants respectfully submit that an obviousness rejection based on these references is inappropriate and should be withdrawn.

### **Conclusion**

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

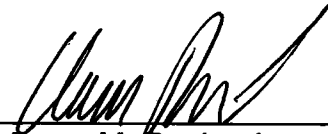
If the Examiner believes a telephone conference could be useful in resolving any outstanding issues, he is respectfully invited to contact Applicants' undersigned counsel at (202) 408-4152.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: January 13, 2009

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